

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

March 23, 2005

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

THRU: Dana Dean, P.E., Senior Reclamation Hydrologist, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist, Biology.

RE: Postmine Land Use Change, Canyon Fuel Company, LLC, Banning Loadout, C/007/0034, Task ID #2117

SUMMARY:

The Division received an amendment to address a post-mine land use change for 0.83 acres at the Banning Loadout. The Permittee sold the 0.83 acreage, including a substation, to East Carbon. The sell agreement included that the Permittee will conduct final reclamation on the 0.83 acres, excluding the substation and pad area, at the same time as the final reclamation project for the entire permit area.

The Permittee will maintain the site during the extended responsibility period. The Division considers that the postmine land use change does not affect plans, obligations, or agreements in the biology section of the MRP. The Division, however, would like the Permittee to update the seed mixture and possibly other related reclamation plans sometime in the future.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The Mine and Reclamation Plan (MRP) does not meet R645-301-121.200 because of editorial or clarity issues associated with the Land Use chapter. The Permittee provided most of the information necessary to relocate the confidential information, concerning cultural resources, to the Banning Confidential Binder. The Permittee must relocate Figure 4-1 “Map Showing Cultural and Historic Resources” along with the Appendices to the Confidential Binder.

The Permittee must show that Figure 1 and Appendices 4-2 through 4-4 are in the Confidential Binder. The Division is assuming the page describing the relocation of appendices (no page number or instructions in C1C2 form provided) is suppose to go in place of the removed appendices. If this is a correct assumption, then the Permittee must include Figure 4-1 along with the list of appendices.

Findings

Information provided in the plan does not meet the minimum Permit Application Format and Contents in General Contents requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

- R645-301-121.200, •** The Permittee must relocate Figure 4-1 “Map Showing Cultural and Historic Resources” along with the Appendices to the Confidential Binder. • The Permittee must show that Figure 1 and Appendices 4-2 through 4-4 are in the Confidential Binder. The Division is assuming the page describing the relocation of appendices (no page number or instructions in C1C2 form provided) is suppose to go in place of the removed appendices. If this is a correct assumption, then the Permittee must include Figure 4-1 along with the list of appendices.

RECOMMENDATIONS:

Do not approve the amendment until the Permittee addresses all deficiencies.

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